

REMARKS

The foregoing amendment and remarks which follow are responsive to the final Office Action mailed January 28, 2003.

The Office Action rejected claims 1-30 under 35 U.S.C. § 103(a) as being unpatentable over Hite et al. (U.S. Patent No. 6,002,393) in view of Hamilton et al. (Pub. US 2002/0087973).

Claims 1, 21 and 26 have been amended to include the limitation that alternative presentation data is presented for a time period equivalent to an initial length of time for a presentation of the at least one rich media segment less a length of time that the at least one rich media segment has previously been presented. This limitation does not add new matter. The limitation was in originally filed claims 2 and 5 which have been cancelled by this amendment. Claims that originally depended from either Claim 2 or Claim 5 (namely, Claims 3, 4 and 6) have been amended to depend from Claim 1.

In rejecting Claim 5, the Office Action states that “[a]s per claims 3-5, Hite et al. teach said system and method wherein presenting the alternative presentation data occurs simultaneously with presenting of at least one of the programming media segments of the broadcast stream (column 12, lines 2-27).” Neither the office action nor the cited and applied references address presenting the alternative presentation data for a time period equivalent to an initial length of time for a presentation of the at least one rich media segment less a length of time that the at least one rich media segment has previously been presented as required by amended Claims 1, 21 and 26. Since the cited references when taken either alone or in combination do not teach all of the limitations of independent Claims 1, 21 and 26, Applicants believe that all of the independent claims (Claims 1, 21 and 26) are allowable over the prior art of record. As such, all of the dependent claims are also believed allowable.

In view of the foregoing, Applicants respectfully submit that all of the remaining claims, namely, Claims 1, 3-4 and 6-30, are in a condition for allowance and such action is respectfully requested. In order to expedite the prosecution of the present application, the Examiner is invited to contact the undersigned at the Examiner’s convenience.

If any additional fee is required, please charge Deposit Account Number 19 4330.

Respectfully submitted,

Date: 3/27/03

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